IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 21209 of 2005

Between:

G. Srinivasa rao S/o G.K. Satyanarayana
r/o Door NO. 23-48, Gadikota Vari Veedhi,
Sajjapuram, Tanuku, West Godavari District

..... PETITIONER

AND

1. The Principal Secrtary to the Government of India,

National Highway Authority of India,
Ministry of Surface Transport 1 Eastern Avenue, Maharani

Bagh, New Delhi
2. The Collector, West Godavari District Eluru
3. The Joint Collector, West Godavari District
4. The Revenue Divisional Officer, Kovvur,

West Godavari District

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the respondents in not finalizing the compensation to be paid to the petitioner in respect of the petitioner's land acquired by the respondents for widening of National High Way No.5 in West Godavari District, the present writ petition has been filed.

The case of the petitioner is that he purchased a residential plot from one Eragavarapur Venkata Siva Rao to an extent of 275 square yards situated at Sajjapuram, Tanuku in Survey No.11/11/ A on 29.01.1998, which was registered in his favour in the office of the Sub. Registrar, Tanuku bearing Document No.338 of 1998. In order to have a wider and bigger National High Way No.5, the first respondent had acquired the land of the petitioner along with other land owners vide Notification No.43, Part-II Section-3, Sub. Section 2, dated 14.01.2002 and Roc.No.952/2001, dated 18.02.2002.

The main grievance of the petitioner is that the first respondent, having acquired the land of the petitioner for the purpose of widening of National High Way No.5, pursuant to the notification issued under Section 3A(1) and 3 (D) of National Highways Act, 1956 (for short 'the Act), paid compensation to the land of the petitioner treating the same as agricultural land basing on the market value of the Sub. Registrar, Tanuku. As the compensation awarded by the respondents is not in accordance with the market value, the petitioner made a representation on 12.08.2003 to the competent authority, the Revenue Divisional Officer, West Godavari District raising objections on the amount of compensation. Even though there are several representations made by the petitioner to consider his case, no action has been taken by respondents.

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue and the learned Government Pleader for Land Acquisition appearing on behalf of the respondents.

The learned counsel for the petitioner submits that the respondents have paid compensation to the other land owners, whose lands were acquired along with the writ petitioner at higher rate, but the same treatment was not given to the petitioner.

The learned Government Pleader for Land Acquisition submits that the land in

Survey Nos.13/5 and 9/7 referred to by the petitioner is built up area and the basic value of the land in the said survey numbers is recorded as Rs.770/- per square yard, in the office of Sub Registrar, Tanuku, and therefore, the concerned building owners were paid compensation at Rs.900/- per square yard. But, the basic value in respect of the petitioner's land was recorded as Rs.1,62,000/- per acre in the records of Sub. Registrar Office, Tanuku, and therefore, the compensation was awarded to the petitioner under Section 3G (1) of the Act at the rate of Rs.66/- per square yard for 275 square yards is just reasonable basing on the prevailing market value.

The learned counsel for the petitioner submits that the petitioner himself purchased a small extent of the land admeasuring 275 square yards as house site. Paying of compensation to the petitioner taking into consideration the value of an agricultural land is illegal and unsustainable.

Having heard the learned counsel for the petitioner, I am of the view that there is some force in the contention of the learned counsel for the petitioner. If the petitioner is aggrieved by the compensation so awarded by the respondents, there is an effective, efficacious, and alternative remedy available in the statute by way of filing a petition under Section 3G (5) of the Act to the District Collector, West Godavari District.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the petitioner to file a petition before the District Collector, West Godavari District under Section 3G (5) of the Act, within a period of three (3) weeks from the date of receipt of a copy of this order. If such petition is filed by the petitioner, the District Collector, West Godavari District shall consider and dispose of the same in accordance with law as expeditiously as possible.

Subject to the above observation, the writ petition is disposed of. No costs.

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(V. ESWARAIAH, J)

Date: 14.11.2005

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